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November 10, 2020

BY EMAIL/ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

United States v. Anilesh Ahuja, 18 Cr. 328 (KPF)

Dear Judge Failla:

Mr. Ahuja is presently scheduled to surrender to the Bureau of Prisons on December 4, 2020. As detailed in prior applications to the Court, including Mr. Ahuja's pending motion for relief under 18 U.S.C. § 3582(c)(1)(A), the ongoing coronavirus pandemic poses a particularly severe threat to Mr. Ahuja due to certain underlying medical conditions. Accordingly, we respectfully request that the Court adjourn Mr. Ahuja's surrender date by three months, to March 4, 2021.

We also write, in connection with Mr. Ahuja's pending Section 3582(c)(1)(A) motion, to bring to the Court's attention a recent Second Circuit decision, *United States v. Brooker*, which discussed, among other things, a district court's broad discretion in considering Section 3582(c)(1)(A) motions under the First Step Act of 2018. *See United States v. Brooker*, 976 F.3d 228 (2d Cir. 2020). The Court also explained that the term "compassionate release" is a "misnomer" and sentencing judges considering Section 3582(c)(1)(A) motions possess broad discretion to reduce and modify sentences:

It bears remembering that compassionate release is a misnomer. 18 U.S.C. § 3582(c)(1)(A) in fact speaks of sentence reductions. A district court could, for instance, reduce but not eliminate a

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Honorable Katherine Polk Failla

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defendant's prison sentence, or end the term of imprisonment but impose a significant term of probation or supervised release in its place. *Id.* Beyond this, a district court's discretion in this area—as in all sentencing matters—is broad. *See United States v. Caveria*, 550 F.3d 180, 188 (2d Cir. 2008) (en banc) (noting a district court's "very wide latitude" in sentencing).

Id. at 237.

Respectfully submitted,



Roberto Finzi
Richard C. Tarlowe

cc: Counsel of Record

The application to adjourn Mr. Ahuja's surrender date to March 4, 2021, is GRANTED.

Dated: November 10, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE